

**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

Case No. 5:24-cv-00539-FWS-PD

JOSEPH ROBERT WARD,

Plaintiff,

v.

MARTIN OMALLEY,
COMMISSIONER OF SOCIAL
SECURITY ADMINISTRATION,

Defendant.

**ORDER ACCEPTING FINDINGS,
CONCLUSIONS AND
RECOMMENDATIONS OF UNITED
STATES MAGISTRATE JUDGE [16]
AND OVERRULING OBJECTIONS
[17]**

I. Introduction and Relevant Procedural History

Before the court is the Magistrate Judge's March 20, 2025, Report and Recommendation. (Dkt. 16 ("Report and Recommendation" or "R&R").) Based on the state of the record, as applied to the applicable law, the court **ADOPTS** the Report and Recommendation issued by the Magistrate Judge, including each of the findings of fact and conclusions of law therein.

1 In summary, on March 13, 2025, Plaintiff Joseph Robert Ward (“Plaintiff”)
2 filed a Complaint against Defendant Martin O’Malley (“Defendant”), Commissioner
3 of Social Security Administration. (Dkt. 1 (“Complaint”).) On May 14, 2024,
4 Defendant filed an Answer to the Complaint. (Dkt. 11.) On June 12, 2024, Plaintiff
5 filed a Motion for Summary Judgment. (Dkt. 12 (“Motion for Summary Judgment” or
6 “Motion”).) On July 15, 2024, Defendant filed the Commissioner’s Brief requesting
7 the court to affirm the Administrative Law Judge’s decision. (Dkt. 13 (“Brief”).) On
8 July 29, 2024, Plaintiff filed a reply in support of the Motion. (Dkt. 14 (“Reply”).)
9 On March 20, 2025, the Magistrate Judge issued the Report and Recommendation.
10 (Dkt. 16) On April 2, 2025, Petitioner objected to the Report and Recommendation.
11 (Dkt. 17 (“Objections”).)

12 II. Discussion

13 “A judge of the court may accept, reject, or modify, in whole or in part, the
14 findings or recommendations made by the magistrate judge.” 28 U.S.C.
15 § 636(b)(1)(C); *see also* Fed. R. Civ. P. 72(b)(3) (stating “[t]he district judge must
16 determine de novo any part of the magistrate judge’s disposition that has been
17 properly objected to,” and “[t]he district judge may accept, reject, or modify the
18 recommended disposition; receive further evidence; or return the matter to the
19 magistrate judge with instructions”). Proper objections require “specific written
20 objections to the proposed findings and recommendations” of the magistrate judge.
21 Fed. R. Civ. P. 72(b)(2). “A judge of the court shall make a de novo determination of
22 those portions of the report or specified proposed findings or recommendations to
23 which objection is made.” 28 U.S.C. § 636(b)(1)(C); *see also United States v. Reyna-*
24 *Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (“The statute makes it clear that the
25 district judge must review the magistrate judge’s findings and recommendations de
26 novo if objection is made, but not otherwise.”). Where no objection has been made,
27 arguments challenging a finding are deemed waived. *See* 28 U.S.C. § 636(b)(1)(C)
28 (“Within fourteen days after being served with a copy, any party may serve and file

1 written objections to such proposed findings and recommendations as provided by
2 rules of court.”). Moreover, “[o]bjections to a R&R are not a vehicle to relitigate the
3 same arguments carefully considered and rejected by the Magistrate Judge.” *Chith v.*
4 *Haynes*, 2021 WL 4744596, at *1 (W.D. Wash. Oct. 12, 2021).

5 In the Report and Recommendation, the Magistrate Judge recommended that
6 the court issue an order:

7 (1) accepting this Report and Recommendation; (2) denying Plaintiff’s
8 Motion for Summary Judgment; (3) entering judgment in the Acting
9 Commissioner’s favor; and (4) dismissing this action with prejudice.

10 (Report and Recommendation at 28.)

11 In the Objections, Plaintiff makes several arguments, including, in summary,
12 that the Magistrate Judge incorrectly found that any errors arising from the
13 Administrative Law Judge’s findings were harmless. (Objections at 2-9.) After
14 conducting a de novo review of the Objections, the court agrees with each of the
15 findings of fact and conclusions of law set forth in the Report and Recommendation,
16 including each of the recommendations contained therein. Accordingly, Plaintiff’s
17 arguments set forth in the Objections are **OVERRULED** on the merits.

18 In sum, pursuant to 28 U.S.C. § 636, the court has reviewed the record,
19 including the Report and Recommendation, the Motion, the Brief, the Reply, and the
20 other records of the case. After conducting a de novo review of the Objections, the
21 court concurs with and accepts the findings and conclusions of the Magistrate Judge in
22 the Report and Recommendation.

23 **III. Conclusion**

24 Based on the state of the record, as applied to the applicable law, the court
25 adopts the Report and Recommendation and accepts each of the findings of fact and
26 conclusions of law therein. Accordingly, the court **ORDERS** the following:

- 27 (1) The Motion for Summary Judgment is **DENIED**.
28 (2) The court enters judgment in favor of Defendant Martin O’Malley.

(3) This case is **DISMISSED WITH PREJUDICE**.

Dated: April 10, 2025

A handwritten signature in black ink, appearing to read 'Fred W. Slaughter', written over a horizontal line.

Hon. Fred W. Slaughter
UNITED STATES DISTRICT JUDGE